



U.S. DEPARTMENT of STATE

Turkmenistan

Country Reports on Human Rights Practices - [2003](#)

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Turkmenistan is a one-party state dominated by President Saparmurat Niyazov who exercised power in an authoritarian style by retaining his monopoly on political power and on the Democratic Party, which remained the sole legally recognized political party in the country. Niyazov has been President since independence in 1991, and legally may remain in office until 2010. In August, Niyazov was elected to a life term as Chairman of the People's Council, giving him a substantial say in the selection of any presidential successor. Government efforts continued to focus on fostering centralized state control and the glorification of the President. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority; in August, the Peoples' Council replaced it as the supreme legislative body. The President controlled the judicial system.

The Ministry of National Security (MNB), formerly the Committee on National Security (KNB), has the responsibilities formerly held by the Soviet Committee for State Security (KGB)--primarily to ensure that the Government remains in power through tight social controls and suppressing dissent. The Ministry of Internal Affairs (MVD) directed the criminal police, which worked closely with the MNB on matters of national security. Civilian authorities maintained effective control of the security forces. Both forces committed numerous, serious human rights abuses.

The country's economy remained dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. The Government estimated the total population to be 6.1 million; reliable estimates put it at approximately 5 million. The Government claimed GDP was 22 percent; however, other sources claimed it was between 6 and 14 percent. Unemployment remained a serious problem. Some estimates placed unemployment in urban areas at 50 percent and 70 percent in the rural areas. Most of the workforce was engaged in agriculture, which accounted for nearly half of total employment.

The Government's poor human rights record worsened, and it continued to commit numerous serious abuses. Authorities severely restricted political and civil liberties; citizens did not have the ability to change their government. The human rights situation deteriorated markedly after an armed attack against President Niyazov on November 25, 2002, which the Government characterized as an attempt to assassinate the President and in effect a coup d'etat. The Government moved quickly against perceived sources of opposition at home and abroad, requesting that several foreign governments extradite alleged conspirators in the plot. There were widespread, credible reports of human rights abuses committed by officials in the course of investigating the attack, including credible reports of torture. Security forces continued to beat and otherwise mistreat suspects and prisoners. Authorities detained hundreds of relatives of those implicated in the plot, some of whom were tortured, physically abused, denied access to medical treatment, evicted from their homes, and dismissed from their jobs. There were numerous, systematic violations of due process under the law, including arbitrary arrest and detention. The Government denied all charges of abuse but did not provide regular access to foreign citizens accused of participating in the plot or to other prisoners. Both the criminal police and the MNB operated with impunity, abused the rights of individuals, and enforced the Government's policy of repressing the political opposition. The Government refused to facilitate visits by international envoys to investigate reports of human rights abuses, which were called for by the Organization for Security and Cooperation in Europe (OSCE) and the U.N.

Prison conditions remained poor and unsafe, and authorities refused all requests for access to prisons and prisoners by international observers. The denial of visitation rights and medical treatment for prisoners has contributed to several reported deaths in prison. The Government routinely forced its opponents into internal exile. Prolonged pretrial detention and unfair trials remained problems. The Government held at least one political prisoner. Interference with citizens' privacy remained a problem. The Government continued to demolish large

numbers of private homes; many displaced homeowners received little or no compensation for their losses. The Government sought to limit marriages between citizens and foreigners.

The Government severely restricted freedom of speech and did not permit freedom of the press. The Government completely controlled the media, censored all newspapers and access to the Internet, and never permitted independent criticism of government policy. Academic freedom declined. The Government severely restricted freedom of assembly and association. The Government did not register any political parties during the year and continued to repress all opposition political activities. The Government intensified its restriction of the activities of nongovernmental groups, including minority religious groups, most of which were unable to register with the Government. The Government passed an even more restrictive law on religion and exercised control over religious expression. Adherents of unregistered religions were subject to systematic harassment, including arrests, detentions, abuse, and administrative fines. The Government restricted freedom of movement and on March 1 reinstated an exit visa requirement for all citizens wishing to travel outside the country. There were no domestic human rights groups because of restrictions on speech and association. Domestic violence and societal discrimination against women were problems. The Government generally gave favored treatment to ethnic Turkmen over minorities and severely restricted labor rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, Amnesty International (AI) reported the suspected death in custody of Amanmukhammet Yklymov in March. Relatives reported that he was tortured in the Ashgabat city police building following his arrest on November 25, 2002 (see Section 1.c.).

Some prisoners died due to malnutrition and untreated illnesses, reportedly as a result of authorities withholding food and medical care (see Section 1.c.).

In September, border guards shot and killed two individuals attempting to cross the border from Iran.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were widespread credible reports that security officials tortured, routinely beat, and used force against criminal suspects and prisoners to obtain confessions. There were credible reports that former government officials and others imprisoned for various alleged crimes, including those implicated in the November 2002 attack, were singled out for cruel treatment. An international NGO reported that a security official stated that authorities drugged and tortured more than 100 of those arrested after the attack. Security officials reportedly suffocated some to the point of unconsciousness, beat, and subjected them to electric shock torture and injections of psychotropic substances to coerce confessions during pretrial interrogations.

In April, another person detained for several months with prisoners held in connection with the November 2002 attack said officials routinely employed electric shock torture, beatings, and suffocation to the point of unconsciousness to elicit information. An individual held in connection with the attack and later released said authorities beat him and injected him with psychotropic substances to coerce his confession.

In March, police detained a man, broke his fingers, and severely beat him because they suspected him of illegally purchasing a passport from forgers. In November, assailants, believed to be members of the MNB, abducted and beat a local correspondent. The assailants threatened to kill the man if he continued to air interviews critical of the Government.

There were reports that MNB officers handcuffed to a door and beat Batyr Berdyev, former ambassador to the OSCE and former Foreign Minister, after his arrest in December 2002. In December 2002, authorities beat and used electric shock torture on an elderly man to coerce a confession of involvement in the November 2002 attack.

There were credible reports that authorities detained, tortured, and threatened relatives of those implicated in the attack to coerce confessions. Relatives were beaten with water bottles to avoid bruising, injected with psychotropic drugs, and subjected to electric shock torture; female relatives were sexually assaulted and threatened with rape.

There were reports that authorities detained and tortured at least six relatives or their associates of Saparmurad Yklymov, who was convicted as one of the primary plotters of the November 2002 attack (see Section 1.d.). These included five relatives--Aili, Esenaman, Orazmamed, Amanmukhammet, and Yklymov--and the sister and mother of a fifth brother's girlfriend. MNB officers allegedly used electric shock torture and severely beat them with rubber truncheons and plastic bottles filled with water, as well as threatening to torture their children. One brother was unable to walk and another was unable to hold a pen after their release.

Relatives reported that Amanmukhammet Yklymov was tortured in the Ashgabat city police building following his arrest in November 2002, resulting in the loss of sight in one eye and hearing in one ear and a broken arm. Authorities allegedly placed a plastic bag over his head to restrict his breathing, suspended him by his arms, and forced him to wear a gas mask to which the air supply was cut off. AI reported his suspected death in March due to the injuries he sustained in custody.

MNB officers detained Esenaman Yklymov in November 2002 and beat him until his ears bled. In January, he was forced to denounce his parents on television and was sentenced to 5 years' imprisonment.

Orazmamed Yklymov confessed to his involvement in the November 2002 attack after law enforcement officers allegedly threatened to torture his son. There were reports that he appeared in court with injuries, including a dislocated arm, swollen eye, and partial hearing loss. On January 19, a court sentenced him to 20 years' imprisonment.

In December 2002, authorities detained relatives of an individual implicated in the November 2002 attack. Authorities beat an elderly male relative with water bottles to avoid bruising and injected a female relative with psychotropic substances, threatened to rape her, and arranged for her expulsion from university.

There were reports that law enforcement officers tortured and abused members of religious minorities (see Section 2.c.).

There were reports that prisoners needing medical treatment were beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions.

In April, May, and July, there were reports that former high-level officials were denied proper medical treatment and suffered beatings while in detention (see Section 1.d.).

Conditions were poor in prisons, which were unsanitary, overcrowded, and unsafe. Disease, particularly tuberculosis, was rampant, in part because prisoners who were ill were often not removed from the general prison population. Food was poor and prisoners depended on relatives to supplement inadequate food supplies. Facilities for prisoner rehabilitation and recreation were extremely limited. Most prisoners could receive food and sundries once per month from relatives; those who did not suffered greatly. Prisoners held under the "Betrayers of the Motherland" law were unable to receive food, sundries, or visits by relatives (see Section 1.d.). Most were held in the newly constructed maximum security prison at Ovadan Depe, where access to prisoners was extremely limited. There were reports that officials beat prisoners who refused to swear an oath of allegiance to the "Rukhnama," President Niyazov's 2001 spiritual guidebook on the country's culture and heritage (see Section 2.c.).

There were three types of prisons throughout the country: educational-labor colonies; correctional-labor colonies; and prisons. Some prisoners, usually former government officials, were sent into internal exile. In the correctional-labor colonies, there were reports of excessive periods of isolation of prisoners in cells and "chambers." A new prison for hardened criminals and political prisoners at Ovadan Depe, near Ashgabat, was completed in June. Authorities allegedly threatened, harassed, and abused prisoners in an attempt to force some prisoners to renounce their faiths.

In Gyzylgaya prison, located in the Karakum Desert, prisoners were forced to work in a kaolin mine under hazardous and unhealthy conditions (see Section 6.c.).

Men were held separately from women, and juveniles were held separately from adults. Prisoners held in

connection with the November 2002 attack were reportedly held separately at the Ovadan Depe prison. Former members of intelligence and security services were typically held in a dedicated facility at Akdash, near Turkmenbashi City. Pretrial detainees were usually held separately from convicted prisoners in detention centers; however, individuals held in connection with the November 2002 attack were held together with convicted prisoners in detention centers prior to their eventual imprisonment.

Some prisoners died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat. In August, opposition websites reported that four prisoners implicated in the November 2002 attack had died in detention since the beginning of the year due to malnutrition. There were credible reports that a former high-ranking intelligence official at Akdash prison died in March, a civil society figure at Seidi labor colony died in April, and that others were near death, because prison officials denied them food and medical care. Most of the prisoners implicated in the November 2002 attack were denied visitation rights, which severely restricted their access to food, because families routinely supplied their relatives with additional food items during their visits.

Prison officials refused to respond to inquiries from family members and foreign diplomats about prisoners' whereabouts or physical condition, or to allow family members, foreign diplomats or international observers, including the International Committee of the Red Cross (ICRC), to visit detainees or prisoners, including political prisoners, by year's end. The Government claimed that granting access to prisoners would be an admission that there were problems with the country's penal system.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

The MNB is responsible for ensuring that the Government remains in power and exercised wide discretion over issues such as exit visas and Internet access, and worked to limit personal freedoms. The MVD directed the criminal police, which worked closely with the MNB on matters of national security. The Minister of the MNB does not formally supervise other ministries; however, the MNB exercised control over personnel changes and enforced presidential decrees. Both the MNB and criminal police operated with impunity. The Government rarely investigated allegations of abuse and did not hold members of the security forces accountable for abuses. Corruption was a problem.

A warrant is not required for an arrest. The Chairman of the Cabinet of Ministers, a position held by the President, has sole authority for approving arrest warrants. Authorities may detain individuals for 72 hours without a formal arrest warrant, but legally must issue a formal bill of indictment within 10 days of detention.

On May 26, authorities arrested Deputy Defense Minister, Serdar Chariyarov, for his alleged involvement in the 2002 attack on the President.

Those expressing views critical of or different from those of the Government were arrested on false charges of economic crimes against the state and various common crimes (see Section 2.a.). Between November 2002 and March, authorities detained several hundred persons implicated in the November 2002 attack and their relatives secretly or arbitrarily, without warrants, and denied them access to legal counsel. A former member of the security service reported to an international NGO that police detained thousands for questioning after the attack, and arrested hundreds of them. Most were held without charge for their perceived political opinions and possible involvement in the attack.

Detainees are entitled to immediate access to an attorney once a bill of indictment has been issued; however, in practice they were not allowed prompt or regular access to legal counsel. Incommunicado detention was a problem. Authorities regularly denied prisoners visits by family members, who often did not know their whereabouts (see Section 1.c.).

In February, President Niyazov signed the "Betrayers of the Motherland" law, which characterizes any opposition to the government as an act of treason. Those convicted under the law face life imprisonment, are ineligible for amnesty or reduction of sentence, and may not receive visitors or food from outside sources. The Government has also made reference to the law to prevent relatives of those convicted in the November 2002 attack from traveling outside the country. By year's end, approximately 50 to 60 persons were arrested or convicted under the law.

In December 2002, authorities arrested Farid Tukhbatulin, on what appeared to be politically-motivated charges.

On March 3, he was sentenced to 3 years in a general regime colony, and spent 100 days in detention before he was released on April 1. In his publicized letter of confession, he admitted his guilt of not alerting the MNB about the November 2002 attack, which he allegedly heard about while attending a human rights conference in Moscow.

The Government used house arrest without due process to prevent citizens from meeting with visiting foreign diplomats. In March, the Government placed as many as 100 individuals, including civil society leaders, under house arrest to prevent them from meeting with the visiting OSCE Chairman-in-Office. In July, officials detained NGO leaders, ethnic Russians, and Russian citizens to prevent them from meeting with a Russian delegation investigating the Government's attempt to unilaterally abrogate dual citizenship. In July, the Government confiscated NGO leaders' passports in Turkmenbashi City to prevent them from traveling to Ashgabat to attend the Independence Day reception at a foreign ambassador's residence.

The law provides that a person accused of a crime may be held in pretrial detention for no more than 2 months, which in exceptional cases may be extended to 1 year. In practice, authorities often exceeded these limits. Geldy Kyarizov, who was arrested in 2002 for numerous crimes reportedly because of his disagreements with President Niyazov's policies, remained in detention at year's end.

The Government held many political detainees, although the precise number was unknown. Several hundred relatives and associates of those implicated in the November 2002 attack were held without charge for their perceived political opinions and possible involvement in the attack.

The Government used forced exile and internal exile as punishment during the year. Numerous former ministers and government officials were dismissed from their positions, sent into internal exile, and placed under house arrest (see Section 1.f.). Human Rights Watch reported five cases of internal exile of political or religious dissidents between March and August. The President proposed that the officials, who were sometimes accompanied by their families, could work off their sentences in exile. Almost all prominent political opponents of the Government chose to move to other countries for reasons of personal safety; none returned during the year.

Religious leader Hoja Ahmed Orazgulychev remained in internal exile in Tedjen, after serving a prison term for unregistered religious activity.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary was not independent. The President's power to select and dismiss judges subordinated the judiciary to the Presidency. The President appointed all judges for a term of 5 years. There was no legislative review of these appointments, except for the Chairman (Chief Justice) of the Supreme Court, and the President had the sole authority to dismiss all appointees before the completion of their terms.

The court system consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat), and, at the lowest level, 61 district and city courts. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, access to accusatory material, the right to call witnesses to testify on their behalf, a defense attorney, a court-appointed lawyer if they could not afford one, and the right to represent themselves in court. In practice, authorities often denied these rights, and there were few independent lawyers available to represent defendants. Lower courts' decisions may be appealed, and the defendant may petition the President for clemency.

In January, summary trials of those accused in the November 2002 attack began without public notice. Suspects were not afforded regular access to their attorneys, and their attorneys were not allowed to cross-examine other defendants in the case during the pretrial investigation. Attorneys for some defendants received notice that proceedings against their clients were beginning only 15 minutes before the trials (the norm is 1 week). Some defendants did not receive adequate legal counsel. Attorneys for a number of defendants expressed regret for defending their clients in their opening statements, which were broadcast on state-owned television, even though the trials themselves were not public. The Government refused to allow family members or foreign diplomats to observe the proceedings. AI reported that none of the defendants had an independent lawyer representing them during their trial.

Defendants were not allowed to confront or question witnesses against them. Defendants and their attorneys were denied access to government evidence against them; the Prosecutor General's office stated the evidence

consisted of "state secrets." The defendants did not enjoy a presumption of innocence. Before the trials began, the Government publicly announced that the principal defendants were guilty and sentenced them to life imprisonment under the new "Betrayers of the Motherland" law. Sentences for those convicted of involvement in the November 2002 attack ranged from life imprisonment to forced resettlement. The systemic failure to observe due process in investigating and prosecuting prisoners implicated in the attack made it difficult to distinguish between those actually complicit in the attack and some who may be political prisoners convicted for their perceived political opposition views. An OSCE Rapporteur described the trials as "in breach of all the most elementary principles of the rule of law."

Courts allegedly ignored allegations of torture that defendants raised in trial. The court reportedly ignored the allegations of Amanmukhammet Yklymov that he was tortured in police custody following his arrest in November 2002 (see Section 1.c.).

In practice, adherence to due process in other cases was not uniform, particularly in the lower courts in rural areas. Even when due process rights were observed, the authority of the government prosecutor was so much greater than that of the defense attorney that it was very difficult for the defendant to receive a fair trial. In an October 2002 case against two former senior officials, the Ashgabat City Court refused to admit evidence critical to the defense, despite the fact that it appeared to be admissible under the law.

In general, observers were not permitted access to ostensibly open court proceedings. The Government physically prevented foreign diplomats from attending the trials of accused November 2002 attackers and of a civil society activist in March; however, foreign diplomats attended the trial of two former officials in October 2002 and of a member of Jehovah's Witnesses in May (see Section 2.c.).

Although the Penal Code prohibits a person from being sentenced twice for the same offense, there were two reports of members of Jehovah's Witnesses being convicted twice for their religious belief. In May 2002, Keston News Service reported that Nikolai Shelekhov, a member of Jehovah's Witnesses, was convicted a second time for refusing conscription based on his religious beliefs; he remained in detention at year's end. Shelekhov had already served a full prison sentence for the same charge. Kurban Zakirov, a member of Jehovah's Witnesses, remained in detention for refusing to swear an oath of loyalty to the President, despite having served his full prison sentence. He was sentenced to 1 year in prison in 1999, but was reportedly twice denied release.

The Government published a list of 7,093 amnestied prisoners (6,946 citizens and 147 foreigners) in November who were to be released under the annual presidential amnesty; the actual number of prisoners released remained unknown. No former government officials sentenced for crimes committed during their tenures in office were eligible; no prisoners held for religious beliefs, political activities, or participation in the November 2002 attack were released.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov, although his sentence was reduced by half in accordance with the 2001 prisoner amnesty.

The Government variously claimed that it convicted and sentenced 56, 61, or 63 individuals for their involvement in the November 2002 attack. Estimates by other observers suggested the actual number was much higher. It was unclear how many of those convicted were actually involved in the attack.

The Government systemically failed to enforce the law with respect to restitution or compensation for confiscation of private property (see Section 1.f.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, authorities frequently violated these rights. Rules restrict searches of private homes; however, authorities violated these restrictions on a massive scale during the year to investigate the November 2002 attack against President Niyazov. There were credible reports that authorities forcibly searched the homes of the accused and their families without warrants. Authorities confiscated homes, vehicles, and possessions of hundreds of relatives of those implicated in the November 2002 attack, often without notice and a court order. Confiscated vehicles were given to officials as rewards for their work in the investigation into the attack. Relatives of some of those implicated in the attack were evicted several times from different homes. Some relatives were told that they would be forced to relocate to other areas of the country under the rubric of a new resettlement plan proposed by President Niyazov (see Section 1.d.). In numerous cases, the Government punished family members for alleged violations by other individuals (see Sections 1.c. and 1.d.).

In November, as the first anniversary of the November 2002 armed attack on the President's motorcade, authorities tightened security across the country. Authorities conducted widespread searches of individual's homes and vehicles of those they suspected as a possible threat to the Government.

There were credible reports that the Government targeted ethnic Russians for eviction from their homes in the wake of its attempt to unilaterally abolish dual Russian-Turkmen citizenship provisions.

The law does not regulate the conduct of surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents and critics of the Government, foreign diplomats, other foreign residents, and visitors. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. There was one government-controlled Internet service provider. The Government monitored citizens' e-mail and Internet usage and cut service for accounts used to visit sensitive sites. Critics of the Government, and many other persons, reported that their mail was intercepted before delivery. Mail taken to the post office must remain unsealed for inspection.

The Government engaged in forcible resettlement and has stated its intention to do so on a broad scale. In September, authorities abducted, beat, and forcibly resettled an elderly man in retaliation for his relative's political affiliation. In November 2002, the President issued a decree for resettlement of residents of Dashoguz, Lebap, and Ahal Velayats (provinces) to an area in the northwest of the country, stating that the plan would better distribute labor resources and prompt agricultural development of rural areas of the country. Observers suggested that the resettlement plan would principally affect ethnic Uzbeks living in those velayats (see Section 5). In January, the President called for accelerated implementation of the resettlement plan, stating that it would encompass those who had "lost the respect of the nation and disturbed social tranquility with their bad behavior," a remark widely interpreted as being directed at those implicated in the November 2002 attack and their relatives. The Government forced refugees to leave the country during the year (see Section 2.d.).

During the year, authorities dismissed children from school and removed adults from their jobs because of the political activities of relatives. Many relatives of those implicated in the November 2002 attack lost their jobs in connection with the Government's investigation. School-aged children of suspects and their relatives were publicly shunned; university students related to those implicated in the attack were forced to withdraw under threat of public condemnation. Authorities also threatened families of political opposition members living abroad with loss of employment and homes (see Section 3). In September 2002, President Niyazov reiterated a call for background checks that would span three generations to determine the "moral character" of university applicants and potential government appointees (see Section 2.a.).

During the year, the Government continued to demolish large numbers of private homes in Ashgabat, including those to which residents had valid legal title, as part of a beautification program. The Government required many evicted families to pay for removal of the rubble of their destroyed homes. In some cases, authorities reportedly gave persons as little as 12 hours to collect their belongings and vacate their homes. Citizens who built their homes without governmental approval were not offered alternate accommodations, despite their personal investment in the property, their length of occupancy, or the degree of hardship they faced as a result. Many built homes with the acquiescence of officials, who extorted bribes to allow the construction. In some cases, the same officials ordered the subsequent destruction of the homes. The media reported that some homeowners failed to follow proper construction rules and therefore violated their construction permits. Others who had proper building permits were offered apartments or plots of land in compensation; however, such plots were often undeveloped and nonirrigated.

In May, the Government passed new regulations to control citizens operating their own vehicles, prohibiting loud music and smoking while driving. Drivers can be stopped and their vehicles searched if police suspect violations of the new rules.

A 2001 presidential decree prohibits foreigners or stateless persons from marrying citizens without meeting several requirements. The noncitizen must have been a resident of the country for a year, own a home, be at least 18 years of age, and must post a "divorce bond" of \$50,000 with the Government. There were no reports of such marriages in the country under the law; however, there were reports that some individuals married abroad to bypass the law. The requirements were purportedly instituted to protect citizen spouses and children.

On August 31, four MVD officers reportedly abducted Sazak Begmedov without a warrant, beat and kicked him, and forced him into internal exile, after his daughter founded the Turkmenistan Helsinki Federation in Bulgaria (see Section 4).

In a pattern of harassment of the relatives of Saparmurad Yklymov, who was convicted as one of the primary plotters of the attack, law enforcement officers reportedly forcibly evicted Edzhebay Yklymov, his 75-year-old wheelchair-bound mother, and several children in November 2002 and again on March 27 (see Section 1.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, in practice, the Government severely restricted freedom of speech and did not permit freedom of the press. In practice, those expressing views critical of or different from those of the Government were arrested on false charges of committing common crimes (see Sections 1.d. and 2.b.). Criticism of the Government could also lead to personal hardship, including loss of opportunities for advancement and employment (see Section 1.f.). In December 2002, the presidential spokesman criticized international media representatives for their reporting on the November 2002 attack against the President, urging them to base their reports solely on information released via official government channels. He threatened to deprive them of accreditation as journalists if they reported any "arbitrary phrases or evaluations" that were inconsistent with the Government's characterization of the event. The OSCE Representative on Freedom of the Media criticized the country's "absolute lack of any freedom of expression."

The Government funded almost all print media. The Government censored newspapers; the Office of the President's Press Secretary's approval was required for prepublication galleys. There were 22 newspapers published in Turkmen, and only 1 official newspaper in Russian. Foreign newspapers from abroad were not easily obtainable; in July 2002, the Government prohibited delivery of all Russian-language newspapers into the country, citing high airmail delivery rates. The Government used newspapers to attack its critics abroad. To regulate printing and copying activities, the Government required all publishing houses and printing and copying establishments to obtain a license and register their equipment. The Government required the registration of all photocopiers and that a single individual be responsible for all photocopying activity.

All publishing companies were state-owned, and works by authors of fiction who wrote on topics that were out of favor with the Government were not published. The government-controlled Union of Writers in the past expelled members who criticized government policy, and libraries removed their works.

The Government completely controlled radio and local television. Owners of satellite dishes had access to foreign television programming, and use of satellite dishes throughout the country was widespread. Satellite-cable television was restored after the President cut service in July 2002; however, certain channels were no longer received and some service was cut again in September.

The Government required all foreign correspondents to apply for accreditation.

In July and September, Turkmen reporters with Radio Liberty stationed in Moscow were attacked and beaten in Moscow. Reports indicated that Turkmen intelligence was involved in both incidents. In September, MNB officers abducted a reporter in Ashgabat, detained and questioned him for 3 days, and threatened him with a life sentence in prison if he continued his reporting; his home telephone and Internet service were also disconnected. On November 14, unidentified assailants forcibly abducted, beat, and threatened to kill Radio Free Liberty/Radio Liberty (RFE/RL) correspondent Saparmurat Ovezberdiev. The assailants told Ovezberdiev they were "annoyed" by his reporting, particularly on civil society developments and human rights abuses in the country and cautioned that they were "warning" him. They demanded that he leave approximately \$909 (20 million manat) as "insurance" for his welfare at a shop near his home before leaving him blindfolded and without shoes in the cemetery.

The Government prohibited the media from reporting the views of opposition political leaders and critics, and it never allowed criticism of the President. Domestic journalists and correspondents for foreign news services engaged in self-censorship due to fear of government reprisal.

The obsessive focus of the media on President Niyazov continued during the year and amplified the cult of personality centered around him. Criticism of officials was only permitted if it was directed at those who had fallen out of favor with the President, and public criticism of officials was done almost exclusively by the President himself.

On numerous occasions in the past, the Government warned its critics and foreign diplomats against speaking with visiting journalists or other foreigners wishing to discuss human rights problems. In January, the Ministry of Foreign Affairs warned a foreign diplomat not to speak with opposition members living abroad or with their family members

living in the country, characterizing them as "terrorists." Several government employees lost their jobs after attending receptions at a foreign ambassador's residence. The Ministry of Education had urged employees not to attend the receptions.

Intellectuals and artists reported that security officials instructed them to praise the President in their work and warned them not to participate in receptions hosted by foreign diplomatic missions. The Ministry of Culture's approval was required before plays opened to the public, ensuring that they did not contain anti-government or anti-presidential content. In 2001, the President closed the state-sponsored opera and ballet in Ashgabat, claiming that there was no place for such institutions in society. Foreign music was still taught and performed throughout the country; however, there was little or no official support for non-Turkmen music.

While Internet access was available, state-owned Turkmen Telecom was the sole Internet provider (see Section 1.f.). Internet access was prohibitively expensive for most citizens. There was evidence that the Government monitored access to opposition websites, based in Russia, through Turkmen Telecom.

During the year, the Government increased its already significant restrictions on academic freedom. It did not tolerate criticism of government policy or the President in academic circles, and it discouraged research into areas it considered politically sensitive, such as comparative law, history, or ethnic relations. No master's degrees or doctorates have been granted in the country since 1998. Since 2000 universities have reduced the period of classroom instruction from 4 years to 2 years in accordance with President Niyazov's declaration that higher education should consist of 2 years of classroom education and 2 years of vocational training. The President also decreed that foreign languages in the public education system could be taught only in special language centers and classes. Foreign language instruction was also available in private centers. Restrictions on instruction in non-Turkmen languages and limited availability of Turkmen-language textbooks contributed to the declining quality of education. The Government closed the Academy of Sciences in the 1990s, and has failed to create an acceptable alternative.

Since September 2002, each child is required to bring to school a personal copy of the Rukhnama. Teachers were discouraged from bringing alternative viewpoints into the classroom. The works of several writers, poets, and historians were placed on a blacklist and withdrawn from public schools and libraries because their portrayal of Turkmen history differed from that of the Government.

In September 2002, President Niyazov reiterated the call for background checks that would span three generations in order to determine the "moral character" of university students prior to entry.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Permits are required for public meetings and demonstrations; however, authorities never granted them. Unregistered organizations, particularly those perceived to have political agendas, were not allowed to hold demonstrations. There have been no demonstrations since the November 2002 attack. In May 2002, approximately 100 persons spontaneously demonstrated outside a Turkmenbashi courthouse protesting the guilty verdict of Khalmamed Durdiev (see Section 1.d.).

Students from Turkmen State University (TSU), who distributed leaflets criticizing the Government at markets and schools in 2002, remained in detention at year's end.

The Constitution provides for freedom of association; however, the Government severely restricted this right in practice. A new law on public associations that took effect November 21 limits the ability of foreign donors to provide grants and assistance to civil society groups. Key provisions include: Requiring that all nongovernmental organizations (NGOs) register, making operation of unregistered groups a criminal offense, and requiring that all foreign assistance be registered with the State Agency for Investment, Ministry of Justice, and "coordinated" through the Ministry of Foreign Affairs.

No political groups critical of government policy were able to meet the requirements for registration (see Section 3). The only registered political party was the Democratic Party, the former Turkmen Communist Party. It was extremely difficult for new NGOs to register with the Government. The Beekeepers' Association was the only NGO able to register during the year; it was the group's seventh application. NGOs that could not register successfully with the Government often were forced to join an already registered NGO as a subgroup to gain the legal benefits of registered NGOs.

The Government does not prohibit membership in a political organization; however, in practice those who claimed membership in political organizations other than the Democratic Party of Turkmenistan were harassed in the past.

The law provides citizens the freedom to associate with whomever they please; however, authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and threatened them with the loss of their homes (see Section 1.f.). In addition, some citizens with links to foreigners were subject to official intimidation. Officials questioned some representatives of NGOs and civil society activists after attending a reception in honor of International Human Rights Day at the residence of a foreign ambassador. On several separate occasions, security officials stopped vehicles and questioned citizens as to why they were traveling with foreign citizens.

c. Freedom of Religion

The Constitution and the Law on Freedom of Conscience and Religious Organizations provide for freedom of religion; however, in practice the Government severely restricted these rights. On November 10, a new law took effect that provides a legal basis for the Government's systematic harassment of religious minority groups. The law requires that all religious organizations register, making operation of unregistered religious organizations a criminal offense and further restricting religious education. Authorities have interpreted the law to control religious life tightly and to restrict severely the activities of all religions. There are no safeguards in the legal system that provide for remedy against violation of religious freedom or persecution by private actors. In April, the Government resumed systematic harassment of religious minorities, which had largely abated since June 2002.

There is no state religion, but the majority of the population is Sunni Muslim. The Government has incorporated some aspects of Islamic tradition into its efforts to redefine a national identity. However, the Government placed some restrictions on Muslims.

AI documented many instances of law enforcement officers torturing or abusing members of religious minorities.

Mosques were required to keep copies of Rukhnama. The President attempted to use these teachings in part to supersede other established religious codes, as well as historical and cultural texts, and thereby shape citizens' religious and cultural behavior. In November, the MNB closed down a mosque that failed to place the Rukhnama on the same stand with the Koran for Friday prayer.

The law on religious organizations requires all congregations to register with the Government; however, to register, a congregation must have 500 citizens (all at least 18 years old) in each locality in which it wishes to register. Authorities have interpreted the law to mean that a congregation with 500 members throughout the country, but not in a single locale, cannot register. As a result of these requirements, the Government continued to deny registration to religious communities, except Sunni Muslims and Russian Orthodox Christians, most of whom have succeeded in registering. Despite the fact that they had more than the required 500 members, the Government refused to register the Jehovah's Witnesses. Certain smaller congregations of Russian Orthodox Christians were prevented from gathering despite the religion's registration with the Government.

Non-registered religious congregations were present in the country, including Bahai's, Baptists, Hare Krishnas, Jehovah's Witnesses, Pentecostals, and Seventh-day Adventists among others; however, the Government restricted their activities. Non-registered groups were officially prohibited from conducting religious activities, including gathering, disseminating religious materials, and proselytizing. This was a consequence of the Government's interpretations of the law, although the law itself does not prohibit non-registered religious groups from gathering. The Law on Public Associations specifically excludes its application to religious gatherings. Nevertheless, authorities regularly applied the Law on Public Associations when non-registered religious groups met, even if the meetings occurred in private homes. According to the country's administrative code, participants are subject to fines, administrative arrest, and criminal prosecution.

There was a significant increase in the reports of government harassment of all non-registered religions during the year. In March, authorities raided a meeting of a non-registered religious minority group and assessed each member administrative fines of approximately \$11 (242,000 manat), although a teenage boy and pensioner were exempted. In April, police raided a meeting of a non-registered religious minority group in Ashgabat and detained 11 adults and 13 children. Authorities held most for 6 hours, but they held three of the adults overnight and confiscated the group's bibles, saying they were contraband. Authorities have detained and threatened with loss of employment other members of a religious group located in Abadan. In September, November, and December authorities raided unregistered religious meetings, confiscated material and imposed stiff fines on members. In early December, the Government arrested members of the Balkanabad Baptists, who refused to register and were assessed increasing fines during the year for unregistered religious activity.

Ethnic Turkmen who converted to Christianity have been subjected to official harassment and mistreatment. Ethnic Turkmen members of unregistered religious groups accused of disseminating religious material received harsher treatment than members of other ethnic groups, particularly if they received financial support from foreign sources.

The Government controlled the establishment of Muslim places of worship and limited access to Islamic education. The state-supported Council on Religious Affairs (CRA) was part of the government bureaucracy and appeared to exercise direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, although the Law on Religion does not include this role among the CRA's duties.

In April, authorities closed an Islamic secondary school operating under the auspices of the sole remaining theological faculty, reportedly in part due to the refusal of school administrators and teachers to promote Rukhnama as an orthodox Islamic text. In January, the popular Mufti was demoted and replaced, reportedly because he declined to call for the death penalty for the perpetrators of the November 2002 attack against the President and he failed to promote the Rukhnama. Only one institution of Islamic education remained open, and the Government controlled the curriculum of this instruction. All annual classes of religious students were limited to between 15 to 20 students a year.

There were credible reports that authorities pressured Russian Orthodox priests in March to teach Rukhnama in their services in Turkmenabat and Ashgabat.

Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present in the country.

The Government attempted to restrict the freedom of parents to raise their children in accordance with their religious beliefs.

There was no official religious instruction in public schools; however, students were required to study Rukhnama at all public schools and institutes of higher learning (see Section 2.a.).

Unregistered religious groups faced government harassment if they attempted to distribute religious literature.

After the Government officially reinstated the exit visa regime in March and restricted external movement by citizens, it prohibited members of unregistered religious groups from traveling to other countries for religious meetings without interference. During the year, the Government controlled the number of persons allowed to participate in the annual Muslim pilgrimage to Mecca (the Hajj), specifying that only 187 pilgrims would be allowed to journey to Mecca (out of the country's quota of 4,600).

Five members of the Jehovah's Witnesses remained in prison for refusing to swear an oath of loyalty by placing a hand on the Koran (see Section 1.e.).

The societal attitude toward conversion from Islam to any other religion generally was surprise, and often disapproval.

For a more detailed discussion, see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27870pf.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government severely restricted freedom of movement. In March, the Government reinstated the exit visa requirement and created a state service to control access to the country and regulate issuance of exit visas to citizens and monitor travel by foreigners within the country. The service is composed of representatives from security agencies and designed to limit foreigners' access to the country and track their movements after entry. The exit visa requirement is ostensibly designed to prevent criminals, people with knowledge of state secrets, and those who must serve or have other obligations to the state from traveling. In practice, the reimposition of exit visas severely restricted all citizens' rights to travel, work, and study abroad.

Citizens still carried internal passports, which were used primarily as a form of identification, rather than as a means of controlling movement. The Government tightened restrictions on travel to border cities and regions and maintained large parts of the country as restricted zones. Residence permits were not required, although the place of residence was registered and noted in passports. The Government confiscated the passports of political opponents to enforce internal exile during the year.

The Government refused to issue exit visas to some students selected for study abroad and exchange programs. In August, the Government refused to issue exit visas to participants in an agricultural exchange program. There were numerous, credible reports that individuals who succeeded in obtaining exit visas paid bribes to do so. The Government impeded operations of foreign embassies and international organizations by selectively refusing exit visas to local staff.

In April, the Government issued a unilateral decree giving Russian-Turkmen dual citizens 2 months to choose between citizenship in Russia or Turkmenistan. The decree violated a protocol the two countries signed in April to terminate dual citizenship only after both sides ratified the protocol and provided official notification. The decision to issue a unilateral decree affected up to 150,000 mostly ethnic Russians living in the country, prompting thousands of ethnic Russians to leave. There were reports that authorities harassed ethnic Russians and confiscated their property to hasten their migration. Observers believed that the presence of a large number of Turkmen opposition figures in Russia prompted the unilateral termination of dual citizenship.

Since 2002, there were restrictions for citizens traveling to Iran and Uzbekistan, purportedly to control narcotics trafficking and other smuggling. The Government charged a \$6.00 (132,000 manat) fee for travel and required individuals to register their travel, indicating the reason and duration of the trip and whom they intended to visit.

The Government discouraged immigration of ethnic Turkmen living in Iran, Iraq, Turkey, and other countries and immigration of non-Turkmen from the former Soviet Union (see Section 5).

The law provides for the granting of refugee or asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law establishes procedures and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. In practice, the Government provided some protection against refoulement; however, the Government confirmed in December that it deported some ethnic Uzbek refugees to Uzbekistan in July. The Government granted refugee or asylum status to some ethnic Turkmen from Afghanistan. They also allowed some Tajik refugees and migrants to reside in the country. The country provided temporary protection to persons who did not qualify as refugees or asylees, if the person was recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). During 2002, the Government granted temporary protection to 58 persons.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. After the start of international military operations in Afghanistan, the Government agreed to increase its cooperation with the UNHCR, the International Organization for Migration (IOM), and other international refugee and relief agencies to assist refugees from Afghanistan. The Government also played an important role in facilitating the flow of humanitarian assistance for refugees who remained in Afghanistan.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens did not have the ability to effect peaceful change in the Government and had little influence on government policy or decision-making. The Constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for the separation of powers among the various branches of government, but vests a disproportionate share of power in the Presidency. In practice, the President's power over the state was absolute; despite the appearance of decision making by consensus, most decisions were made at the presidential level.

The 50-member Parliament (Mejlis) routinely supported presidential decrees and had no real independence. In April, elections for the People's Council, which became the supreme legislative body in August, and local council representatives were rescheduled at the last minute to accommodate the cotton harvest. The People's council, which includes elders, members of the Mejlis, and other state officials, has fully supplanted the Mejlis. It has the power to dissolve the Mejlis and is the primary forum where President Niyazov proposes and receives immediate approval for his new laws. Polling stations visited by foreign diplomats were nearly deserted, but the Government claimed that 99.8 percent of eligible voters participated. All candidates were members of the Democratic Party, the sole legally recognized political party in the country. Diplomatic observers noted extensive use of mobile ballot boxes and numerous instances of family voting.

In August, during the People's Council, President Niyazov stated publicly that he would retire in 2010 and discussed holding elections between 2006 and 2008. A constitutional amendment adopted in August prohibits persons over 70 from being elected President (Niyazov is 63). He was simultaneously made Chairman for life of the Peoples' Council, giving him substantial authority to approve any potential successor.

A 1994 national referendum, which was neither free nor fair, extended the President's term to 2002, eliminating the

need for the scheduled presidential election in 1997. A 1999 law allowed an exception to the constitutionally mandated maximum of two 5-year terms for the President; however, the exception only applies to Niyazov, as the country's first president, effectively conferring on him a lifetime term in office.

The sole candidate in the 1992 presidential election was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. The policy of the Democratic Party, according to its leadership, was to implement the policy of the President. Citizens must swear a national oath of personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

No political groups critical of the Government were able to register (see Section 2.b.). The only registered party was the Democratic Party. The Government used laws on the registration of political parties to prevent the emergence of potential opposition groups.

There were 14 women in the 50-member Mejlis. Women served in a few government positions, including Deputy Chair of the Mejlis, Chairman of the Central Bank, Prosecutor General, Ambassador to the U.N., and a provincial governor (Hakim). Women often occupied the position of deputy Hakim.

Preference was given to ethnic Turkmen in appointed positions in the Government but ethnic minorities occupied several high governmental positions. There were 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Tatar in the Mejlis. The largest tribe--the Teke--held the most prominent roles in cultural and political life.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights monitoring groups, and government restrictions on freedom of speech, press, and association made it extremely difficult for international organizations to investigate and criticize publicly the Government's human rights policies. Officials were not cooperative and responsive to their questions regarding alleged human rights abuses. Several independent journalists based in Russia reported on human rights in the Russian press and had contact with international human rights organizations. On numerous occasions in the past, the Government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems.

During the year, the Government increased pressure and harassment of nonpolitical social and cultural organizations. Harassment of activists included physical mistreatment, imprisonment, detention, and routine summoning for questioning at security services. Authorities increased monitoring of NGOs and civil society groups around the country after the November 2002 attack. The Government closely monitored all visits by embassy officers to NGOs and warned NGO leaders to limit contact with foreigners. In August, an NGO lost its teaching facility and MNB officers questioned NGO leaders after they met with foreign diplomats. Farmers who allowed diplomats to visit their farms were told future visits must receive advance government approval.

The Government retaliated against members of human rights monitoring groups and their families (see Section 1.f.).

In September 2002, a local security officer closely questioned a Peace Corps local staffer about the activities of their organization's volunteers. In the wake of the November 2002 attack, authorities closely questioned host families about the activities of Peace Corps volunteers and stopped and searched a vehicle in which a Peace Corps volunteer was traveling.

There were no international human rights NGOs with an ongoing permanent presence in the country; however, international human rights groups monitored the situation during the year. For example, in August the Soros Foundation's Open Society Institute initiated its Turkmenistan Project, which monitored civil society and human rights developments. During the year, the Turkmenistan Helsinki Federation was founded in Bulgaria to report on human rights (see Section 1.f.).

In April, the U.N. Commission on Human Rights adopted a resolution criticizing post-November 2002 human rights abuses in the country and calling on the Government to facilitate visits by U.N. envoys. The Government rejected the resolution, saying the claims were untrue and that it had not been consulted before its adoption. The Government did not facilitate the visit of envoys called for in the resolution by year's end.

Responding to human rights abuses committed after the November 2002 attack, the OSCE invoked the Moscow Mechanism in January and designated a rapporteur to visit the country and investigate the situation. The Government denied the rapporteur's visit and refused to accept the credibility of the rapporteur's report. The Government also refused to grant the ICRC access to prisons (see Section 1.c.).

The Human Rights Institute, nominally headed by President Niyazov, oversaw the work of law enforcement agencies, the military, and the judiciary, but it appeared to have little real authority. The National Institute for Democracy and Human Rights (IDHR) continued to receive complaints during the year. The Institute's mandate is to support the democratization of the Government and society and to monitor the protection of human rights. The Institute maintained four full-time staff members to receive and resolve citizen complaints of arbitrary action. In principle, the Institute reviews complaints and returns its findings to the individual and the organizations involved; however, the Institute was not an independent body, and its ability to obtain redress was limited. Authorities sometimes physically denied individuals access to the IDHR who were seeking to register complaints.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights and freedoms for all, independent of nationality, origin, and language, and gender; however, cultural traditions and the Government's policy of promoting ethnic Turkmen identity limited the employment and educational opportunities of ethnic minorities.

Women

Anecdotal reports indicated that domestic violence against women was common, but no statistics were available. The problem was not usually discussed in society, and the majority of victims of domestic violence kept silent, because they were either unaware of their rights or afraid of increased violence from their husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. One official women's group in Ashgabat and several informal groups in other regions supported victims of domestic violence.

The law states that rape is illegal, and the law against rape was enforced effectively. Individuals held for religious offenses stated that authorities threatened to rape female family members if they continued their activities. There were credible reports that in December 2002, authorities raped and sexually molested female relatives of prisoners implicated in the November 2002 attack (see Section 1.c.).

Prostitution is illegal; however, it was a growing problem. There were unconfirmed and anecdotal reports that women traveled to other countries to work as prostitutes, some of whom may have been trafficked (see Section 6.f.).

There is no law that specifically prohibits sexual harassment, although a case could be tried under existing legislation. There were anecdotal reports that sexual harassment existed in the workforce; however, the Government did not discuss this topic publicly.

Women were underrepresented in the upper levels of state-owned economic enterprises and were concentrated in health care, education, and service professions. Women were restricted from working in some dangerous and environmentally unsafe jobs. Despite such restrictions, women were well represented in a variety of sectors. Additionally, the military academy graduated its first battalion of female cadets in June. The law provides women the same inheritance and marriage rights as men. However, in Turkmen traditional society, the woman's primary role was as homemaker and mother, and family pressures often limited opportunities for women seeking to enter careers outside the home and advance their education. Religious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favored men over women.

There were only two officially registered women's groups, one of which was headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. Some NGOs also worked on women's issues. The Government did not acknowledge that women suffered discrimination and therefore had no specific program for rectifying their disadvantaged position in society.

Children

The Government's social umbrella covered the welfare needs of children; however, the Government did not take effective steps to fully address the environmental and health problems that have led to a high rate of infant and maternal mortality.

The Government provides 9 years of basic education. There was little difference in the education provided to girls and boys. Primary and secondary education was free and compulsory; however, class sizes continued to increase rapidly, facilities deteriorated, and funds for textbooks and supplies decreased. Approximately 95 percent of children between the ages of 7 and 16 attended school on a regular basis; approximately 1.3 percent of school-age children did not attend school. Girls comprised an estimated 49.1 percent of the student population. The amount of classroom time dedicated to learning Rukhnama increased during the year, negatively affecting the overall quality of education.

A 2000 presidential decree continued to reduce the number of teachers, which exacerbated the problems of already crowded classrooms and overworked teachers and further reduced the quality of education in the country. Wages for teachers and administrators were in arrears in many districts and routinely paid 2 to 3 months late; this, coupled low salaries, has caused some teachers to leave the field and seek jobs in the private sector, increasing the ratio of pupils to teachers.

There were a few reports of abuse of children, although there was no societal pattern of such abuse.

Child labor was a problem (see Section 6.d.).

Persons with Disabilities

There was some discrimination against persons with disabilities in employment, education, and the provisions of state services. The Government provided subsidies and pensions for persons with disabilities, although they were inadequate to maintain a decent standard of living. Monthly pensions usually were approximately \$68 (1.5 million manat). Care for persons with disabilities was provided at the local level. Children with disabilities, including those with mental disabilities, were placed in boarding schools, in principle with educational and future employment opportunities provided if their condition allows for them to work; in practice neither was provided.

Legislation requires that new construction projects include facilities to allow access by persons with disabilities; however, compliance was inconsistent, and older buildings were not so equipped.

Although some societal discrimination existed, many citizens engaged in activities to assist persons with disabilities.

National/Racial/Ethnic Minorities

The Constitution provides for equal rights and freedoms for all citizens. Approximately 77 percent of the population was Turkmen; Uzbeks comprised 9 percent; and Russians, 7 percent. There were smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. At the People's Council meeting in August, the President declared that the country is multiethnic; however, he claimed that ethnic Turkmen comprised 95 percent of the population. Uzbeks reported discrimination, including a directive that only ethnic Turkmen can enter officer training at the military academy. There were reports that ethnic Uzbeks experienced discrimination in job opportunities. In November 2002, President Niyazov issued a decree for resettlement of residents of Dashoguz, Lebap, and Ahal Velayats to an area in the northwest of the country (see Sections 1.f. and 2.d.), and in January he ordered that the plan be accelerated. Reports suggested that the resettlement plan would principally affect ethnic Uzbeks living in those velayats.

The Constitution designates Turkmen as the official language. It was a mandatory subject in school, although it was not necessarily the language of instruction. The Government closed most remaining Russian-language schools and continued to reduce classes taught in Russian to encourage use of the Turkmen language. Members of ethnic minorities feared that the designation of Turkmen as the official language placed their children at a disadvantage educationally and economically.

The Constitution also provides for the rights of speakers of other languages to use such languages. While Russian remained common in commerce and everyday life, the Government intensified its campaign to conduct official business solely in Turkmen. The President publicly criticized some high-ranking officials for their failure to speak Turkmen. Russian-language newspapers were not widely available (see Section 2.a.). The Government reportedly gave ethnic minority employees at ministries deadlines to learn Turkmen, and dismissed some government employees for failure to learn the language. During the year, the Government required employees of some ministries to pass tests demonstrating knowledge of the Rukhnama and dismissed those who failed.

Non-Turkmen complained that some avenues for promotion and job advancement were no longer open to them and only a handful of non-Turkmen occupied high-level jobs in the ministries. Non-Turkmen were often the first targeted for dismissal when layoffs occurred. As a result of these restrictions, ethnic Russians increasingly viewed their situation in the country as deteriorating and sought citizenship in Russia.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the law do not provide for nor prohibit the right of association, although there were some associations of workers.

The Constitution and the law do not provide for the right to form or join unions, although no law specifically prohibits the establishment of independent unions. There were independently registered unions of accountants, economists, entrepreneurs and leaseholders, as well as the Colleagues Union. The Colleagues Union claimed a membership of 1.3 million; its member unions were divided along both sectoral and regional lines. Unions may not form or join other federations.

The law does not prohibit anti-union discrimination by employers against union members and organizers, and there were no mechanisms for resolving such complaints.

There was no information available on union affiliation with international unions.

b. The Right to Organize and Bargain Collectively

The Constitution and the law do not provide for the right to organize, and this right was restricted in practice.

The law does not protect the right of collective bargaining. In practice, in the state-dominated economy, the close associations with the Government of both trade unions and state-owned enterprises seriously limited workers' ability to bargain. The Ministry of Economics and Finance prepared general guidelines for wages and set wages in health care, culture, and some other areas. In other sectors, it allowed for some leeway at the enterprise level, taking into account local factors. The Government determined specific wage and benefit packages for each factory or enterprise. Workers, including teachers, often went months without pay or received their paychecks late (see Section 5).

The law neither prohibits nor permits strikes, and it does not address the issue of retaliation against strikers. Strikes were extremely rare, and no strikes were known to have occurred during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor; however, there were reports that prisoners were forced to work under hazardous and unhealthy conditions in a kaolin mine in Gyzylgaya prison, near Dashoguz (see Sections 1.c. and 2.b.). The law provides for labor as a component of prison sentences; the prison system includes educational-labor colonies and correctional-labor colonies.

The Government prohibits forced and bonded labor by children; however, there were reports that such practices occurred (see Section 6.d.).

The Government encouraged persons to work voluntarily, particularly on weekends, in manual labor positions on civic projects.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children was 16 years; in a few heavy industries, it was 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday was 8 hours). A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely was granted.

The Government has not signed ILO Convention 182 on the worst forms of child labor.

Violations of child labor laws occurred in rural areas, particularly during the annual cotton harvest season, which typically lasts from mid-September to mid-November, when teenagers worked in the fields (see Section 5). The Government strongly encouraged children to help in the cotton harvest; families of children who did not help could experience harassment by the Government. Children as young as 10 years of age were allowed to help with the harvest for up to 2 months.

e. Acceptable Conditions of Work

There is a minimum monthly wage. In January, the Government raised the average monthly wage in the state sector to approximately \$75 (1.5 million manat). While the Government subsidized the prices of many necessities and provided others free of charge, state sector wages did not provide a decent standard of living for a worker and family. Most households were multigenerational, with several members receiving salaries, stipends, or pensions; however, many persons lacked the resources to maintain an adequate diet.

The standard legal workweek was 40 hours with 2 days off. Individuals who worked fewer hours during the week or were in certain high-level positions could also work on Saturdays.

Industrial workers often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards. The Government recognized that these problems existed and took some steps to address them, but it did not set comprehensive standards for occupational health and safety. Workers did not always have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and there were unconfirmed and anecdotal reports that a few women traveled to other countries to work as prostitutes, some of whom may have been trafficked.

The Penal Code prohibits prostitution, which is punishable by 2 years' imprisonment or hard labor. The penalty for involvement of a minor in prostitution or using force, threat, or blackmail to involve someone in prostitution is 3 to 8 years' imprisonment. The penalty for procuring persons for prostitution is 3 to 8 years' imprisonment with the possibility of confiscation of property.

There were unconfirmed and anecdotal reports of women from the country traveling to Turkey and the United Arab Emirates and working as prostitutes. There were no reports of trafficking within the country.

The Government did not have programs in place to combat trafficking in persons, but cooperated with the IOM in educational efforts on this topic.